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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
BRANDON BERNARD  
and  
STEPHEN GRADY,  
Defendants.

No. CR-09-0028-MMC

~~[PROPOSED]~~ ORDER EXCLUDING  
TIME FROM APRIL 1, 2009 THROUGH  
May 6, 2009

On April 1, 2009, the parties in this case appeared before the Court. At that time, the Court found that time should be excluded from the Speedy Trial Act calculations from April 1, 2009 through May 6, 2009 for effective preparation of and continuity of defense counsel. The Court found that the continuance was the reasonable time necessary for effective preparation and continuity of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(A).

[PROPOSED] ORDER EXCLUDING TIME  
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1 Specifically, the Court found that the following factors constituted a sufficient basis for  
2 exclusion of time:

- 3 1. Counsel for defendant Stephen Grady indicated that he would need to obtain discovery  
4 from the government relating to DNA testing and analysis performed by the San  
5 Francisco Police Department Crime Lab in this matter. Counsel for Mr. Grady further  
6 indicated that, once the discovery was provided, his own retained expert would need time  
7 to review that discovery.
- 8 2. Counsel for defendant Brandon Bernard indicated that he would be involved in the trial  
9 of another matter during the month of April, and would not be able to appear before the  
10 Court on this matter during the pendency of that trial.

11 The Court therefore found that the ends of justice served by granting such a continuance  
12 outweighed the best interests of the public and the defendants in a speedy trial. See 18 U.S.C. §  
13 3161(h)(7)(A). The failure to grant this continuance would deny defense counsel the reasonable  
14 time necessary for effective preparation, taking into account the exercise of due diligence, and  
15 would result in a miscarriage of justice.

16  
17 SO ORDERED.

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19 DATED: May 6, 2009

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21 THE HONORABLE MAXINE M. CHESNEY  
22 United States District Court Judge  
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